

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                            |   |                 |
|----------------------------|---|-----------------|
| FRANCIS SANTIAGO,          | ) |                 |
| on Behalf of Himself and   | ) | Civil Action    |
| All Others Similarly       | ) | No. 02-CV-04048 |
| Situated,                  | ) |                 |
|                            | ) |                 |
| Plaintiffs                 | ) |                 |
|                            | ) |                 |
| vs.                        | ) |                 |
|                            | ) |                 |
| GMAC MORTGAGE GROUP, INC.; | ) |                 |
| GMAC RESIDENTIAL HOLDING   | ) |                 |
| CORP.;                     | ) |                 |
| GMAC MORTGAGE CORPORATION, | ) |                 |
|                            | ) |                 |
| Defendants                 | ) |                 |

O R D E R

NOW, this 13<sup>th</sup> day of September, 2005, after status conference conducted this date by telephone conference call with counsel for the parties and the undersigned; it appearing that on August 4, 2005 the United States Court of Appeals for the Third Circuit filed an Opinion which affirmed in part and reversed and remanded in part the Order and accompanying Opinion of the undersigned dated and filed September 30, 2003; it further appearing that the Third Circuit Court has not yet issued a formal mandate pursuant to Fed.R.App.P. 41; it further appearing that on August 31, 2005 defendants filed Appellees' Petition for Rehearing and Rehearing En Banc with the Third Circuit Court which has not yet ruled on the petition; it further appearing that on August 31, 2005 the undersigned entered an Order filed September 2, 2005 establishing dates and deadlines for filing and serving memoranda of law addressing the procedural issues raised

in this court by the remand and scheduling a status conference to address the same,

IT IS ORDERED that the Order of the undersigned dated August 31, 2005 is vacated.<sup>1</sup>

BY THE COURT:

/s/ James Knoll Gardner  
James Knoll Gardner  
United States District Judge

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<sup>1</sup> It is the sense of the within Order that the Order of the undersigned dated August 31, 2005 shall remain vacated until such time, if any, as the United States Court of Appeals for the Third Circuit issues a formal mandate remanding the within matter to this court pursuant to Fed.R.App.P. 41.